Sectt. II-27—100,000—21-8-52.

Development (1951) Department.

New SERIES.

G.O. No. 4510

Dated 13—10—1951

[Despatch Abstract.]

Act - Madras Shops + Establishments Act and Rules framed thereunder - Appeals under section 41 of the Act - Issue of summons to witnesses - No jurisdiction to the Commissioner for workmens compensation Instructions issued.

GOVERNMENT OF MADRAS

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ABSTRACT

Acts-Madras Shops and Establishments Act, 1947 and Rules framed thereunder-Appeals under section 41 of the Act-Issue of summons to witnesses-No jurisdiction for the Commissioner for Workmen's Compensation-Instructions issued.

Development Department

G.O.Ms.No.4510 Dated 13th October,1951

Read the following:

From the Commissioner of Labour, letter No.E4-42506/51 dated 22.7.51.

ORDER:

Rule 9(2) of the rules framed under the Madras Shops and Establishments Act, 1947 does not make any mention of the power of the appellate authority to summon witnesses. Unless such a power is expressly given either by the Act or the rules framed thereunder, it cannot be exercised. All that rule 9(2) says is that the Commissioner for Workmen's Compensation should record the evidence adduced before him. It is for the parties to adduce the necessary evidence in their support and the appellate authority constituted under section 41(2) of the Act is not entitled to exercise the powers of a Civil Court in summoning witnesses, etc. The further question whether, if a witness summoned by the appellate authority refuses to appear before him, coercive steps can be taken against the witness, does not at all arise, as the appellate authority has no power to summon witnesses, etc.

(Sd.) x x x x x xx
Secretary to Government

To the Commissioner of Labour.

/TrueCopy/

Superintendent
Madras Record Office

v.v.24/9

24/9.